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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,094	10/28/1999	JOHN S. YATES JR.	5231.16-4004C	5512

7590

07/02/2002

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EXAMINER

ENG, DAVID Y

ART UNIT

PAPER NUMBER

2155

24

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b> 09/429,094	<b>Applicant(s)</b> YATES ET AL.	
	<b>Examiner</b> DAVID Y. ENG	<b>Art Unit</b> 2155	

All participants (applicant, applicant's representative, PTO personnel):

- (1) DAVID Y. ENG. (3) David Boundy.  
 (2) Ayaz Sheikh. (4) \_\_\_\_\_.

Date of Interview: 26 June 0202.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DAVID Y. ENG  
 PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

1. Applicants requested the Examiner to identify the law and the rules based on which the rejections are made and based on which Applicants are required to comply. The Examiner identifies the following: 35 USC 112, first paragraph, 35 USC 112, second paragraph, 35 USC 103, Rule 1. 75 (d 1), Rule 1. 83 (a), Rule 1.111 (c).
2. Applicants said that the invention is a system having two separate hardwares one for executing instructions of Intel X86 instruction set architecture and the other is for executing RISC instruction set architecture. The system is capable of executing program having both types of instructions in the same program. Applicants identified Page 36, section D and Page 29, Section 1A for that feature. Applicant further said that the system is capable of interpreting the same instruction code differently so that the same code has two different interpretations. For example, when an instruction which is encoded to perform an add is executed, the system would perform other operation other than add. The examiner replied that if the processor does not follow instructions in the program, the invention would have no utility. The Examiner gave an example that if a person wants to make a box and the instruction is to nail four pieces of wood together. If the person interprets the instructions as throwing the nails away, he would not be able to make a wooden box. Applicant replies that the invention has utility because instruction execution is faster if they are executed on RISC.
3. The Examiner said that the term "likelihood" is vague and indefinite. The Examiner further said that he is not clear how a digital pipeline is able to response to an instruction such as "likelihood". Applicants said that they want to use the term "likelihood" because they want to cover both alternatives. They further said, it works like branch prediction. If it is predicted that instruction control will be turned over to instruction of RISC architecture from Intel X86 architecture, then the instruction execution will switch to RISC hardware. The Examiner replies, "likelihood" is different from "branch prediction" because branch prediction circuit generates its decision as either branch or no branch. Obviously, a pipeline is able to follow the prediction. If it is predicted "branch", the CPU will branch. If it is predict "no branch", the CPU will not branch. The Examiner further said that if the prediction is wrong, a correction circuit is required to undo the wrong decision. If the instant invention works like a branch prediction circuit, a correction circuit is required. There is no correction circuit in the instant invention. The system as claimed therefore is inoperative. Applicants replied that any inoperative rejection should be made in accordance with MPEP.
4. In view of the interview, the Examiner suggested to use the terms used in branch prediction instead of "likelihood", and to incorporate the limitation of that both the X86 and the RISC encoded instructions are in the same program as explained by Applicants in the interview. No new matter can be added.
5. Applicants said that the Examiner did not consider one of the reference in IDS. That reference is "Geppert" (paper # 12). The Examiner said that the reference is invalid because it has a date later than the filing date of the application. Applicant said the reference may incorporate prior art and therefore valid. The Examiner said he will further look into the matter.
6. Applicant expressed concern about the Examiner's statement containing "mislead" in one of his Office action. The Examiner said he will consider Applicants' request and will retrack that statement if the request is proper
7. Mr. Sheikh reminded Applicants that the interview does not relieve Applicants' responsibility to fully respond to the Office action in their next respond.